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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,575	07/27/2001	Kwang H. Kim	P951	1034
23386	7590	08/24/2005	EXAMINER	
MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			FERRIS, DERRICK W	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/917,575

Applicant(s)

KIM, KWANG H.

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8, 12-17, 19 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5, 7, 13, 14, 16, 17, 22, 23, 26, 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 2, 6, 12, 15, 19, 21, 25, 27, 28, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 8, 24, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. This Office action is in response to applicant's paper filed 6/13/2005. **Claims 2-8, 12-17, 19, 21-34** as amended are still in consideration for this application. Applicant has amended claims 2-8, 12-17, 19, 21-25 Applicant has canceled claims 1, 9-11, 18, and 20. Applicant has added claims 26-34.
2. Examiner **withdraws** the claim objection(s). Examiner thanks applicant for making the necessary corrections.
3. Examiner does **not withdraw** the anticipated rejection to *Hashimoto* for some of the amended claims (see below). The following comments fully address applicant's arguments with respect to the rejection. See the 102 rejection below with respect to applicant's amendments.

### *Claim Objections*

4. **Claim 34** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, the limitations in claim 34 are recited in the parent claim 12.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 2, 6, 12, 15, 19, 21, 25, 27-28, and 33-34** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,223,286 B1 to *Hashimoto*.

As to **claim 2**, see e.g., figures 9, 10, and 17 of *Hashimoto*. In particular, transmitting a multicast message to said plurality of receivers from a sender through a computer network is shown e.g., in figure 10 where a transmitter is transmission device 601 and the receivers are 602, 603. Specifically, see e.g., steps 502 and 508 in figure 17 with respect to transmitting a multicast message. With respect to processing the received multicast message in said plurality of receivers only after a time defined as the official release time which is chosen and sent to every receiver by the sender, see e.g., step 140 in figure 9 and column 17 and column 22, lines 45-52 with respect to a multicast message containing a release timer. With respect to such that the multicast is cancelled when the sender becomes disabled before it can confirm the success of the multicast, see e.g., step 512 in figure 17. In particular, the multicast session is initiated when message Mp is sent in step 502. Based on the received acknowledgments back (step 504), a release time value is determined (step 506) which is later sent to the plurality of receivers (step 507). However, should the sender fail during e.g., step 503, then the sender will initiate a failed sequence (step 512) in which case all receivers are notified, see e.g., column 21, lines 43-46 which occurs before the sender can confirm the success of the multicast session e.g., at step 506 (i.e., a success or a multicast is determined in part by receiving successful acknowledgments back from the receivers, see e.g., step 504 in view of column 20, lines 52-56). With respect to generating a cancellation notice by any healthy member and

performing a cancellation step by all intended healthy receivers before the Official release time see e.g., step 522 and the corresponding END processing in step 522. In particular, a healthy receiver can choose not to respond by not sending e.g., receive release permission acknowledgment response message. As such, should the transmitter attempt to resend the release permission message (step 507) a certain number of times, then the sender will cancel the multicast session.

As to **claim 6**, see similar rejection to claim 2. In addition, at least step (ii) is met by steps 124 and 132 in figure 9. In particular, an ACK is transmitted at step 123. The receiver then becomes disabled if T2 times out which is before the official release time expires set at step 127 at which point the receiver will cancel the session due to an error at step 132.

As to **claim 12**, see similar rejection to claim 2. In addition, the transmitter (i.e., sender) chooses and sends an official release time to every receiver which is based on the probability of the multicast being completed before the official release time is at or above a user selected level, see e.g., columns 21-22 with respect to  $Tr(p)$  which is dependent on  $T_s$ . See also column 18, lines 52-59 with respect to probability.

As to **claim 15**, see similar combined rejections to claims 2 and 6.

As to **claim 19**, see similar rejection 2.

As to **claim 21**, see e.g., step 509 in figure 17.

As to **claim 25**, see similar rejection to combined claims 21 and 6.

As to **claim 27**, see similar rejection to combined claims 21 and 6.

As to **claim 28**, see similar rejection to combined claims 21 and 6.

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As to **claim 33**, see similar rejection 2 (i.e., see the step in claim 2 with respect to the sender becoming disabled). In addition, see the failure condition for step 512 with respect to time-out T1 where acknowledgments are received e.g., at step 504.

As to **claim 34**, see similar rejection to claim 12.

***Allowable Subject Matter***

7. **Claims 3, 4, 5, 7, 13, 14, 16, 17, 22, 23, 26, 31 and 32** are allowed.
8. **Claims 8, 24, 29 and 30** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DWF

Derrick W. Ferris  
Examiner  
Art Unit 2663



RICKY NGO  
PRIMARY EXAMINER

8/22/05